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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 -282

13 **MELISSA JANE SHELDON aka Melissa**
Jane Crow Sheldon aka Melissa J. C. Sheldon
14 **1140 Cornucopia Place**
Tracy, CA 95377

A C C U S A T I O N

15 **Registered Nurse License No. 789649**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about January 21, 2011, the Board issued Registered Nurse License Number
23 789649 to Melissa Jane Sheldon aka Melissa Jane Crow Sheldon aka Melissa J. C. Sheldon
24 ("Respondent"). The license was in full force and effect at all times relevant to the charges
25 brought herein and will expire on October 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 **STATUTORY PROVISIONS**

8 5. Code section 2761 states:

9 The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other
14 disciplinary action against a health care professional license or certificate by another
15 state or territory of the United States, by any other government agency, or by another
16 California health care professional licensing board. A certified copy of the decision
17 or judgment shall be conclusive evidence of that action.

15 **COST RECOVERY**

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Out-of-State Discipline)**

22 7. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about
23 March 22, 2011, pursuant to a Consent Order issued by the Virginia Board of Nursing, in a
24 disciplinary proceeding titled, *Before the Board of Nursing, Melissa J.C. Sheldon, R.N. License*
25 *No. 0001-206183*, Respondent's Professional Nursing License Number 0001-206183, was
26 suspended indefinitely. The Consent Order was based on the following: 1) Between May 2010
27 and August 2010, while employed at Chesapeake Regional Medical Center, Respondent diverted
28 narcotic medications, including Dilaudid, Demerol, Morphine, Percocet, and Clonazepam, for her

1 personal use; and 2) In 2009 while employed at Sentara Virginia Beach General Hospital,
2 Respondent diverted Percocet and Dilaudid for her personal use. However, the suspension was
3 stayed upon proof of Respondent's continued compliance with Virginia's Health Practitioners'
4 Monitoring Program ("HPMP"). The Consent Order is attached hereto as **Exhibit A** and
5 incorporated herein by reference.

6 8. On June 29, 2011, the Virginia Board rescinded the Stay of Indefinite Suspension
7 after Respondent was dismissed from the HPMP for non-compliance with her program contract.

8 9. Effective September 29, 2011, pursuant to an Order issued by the Virginia Board of
9 Nursing, in a disciplinary proceeding titled, *Before the Board of Nursing, Melissa J.C. Sheldon,*
10 *R.N. License No. 0001-206183*, Respondent was reprimanded and the indefinite suspension of
11 Respondent's Professional Nursing License Number 0001-206183 was continued for a period of
12 not less than two years. The Order was based on Respondent's failure to comply with her
13 program contract with the HPMP, in that she failed to participate in substance abuse treatment
14 and tested positive for Morphine and Oxymorphone on April 20, 2011. The Order is attached
15 hereto as **Exhibit B** and incorporated herein by reference.

16 **PRAYER**

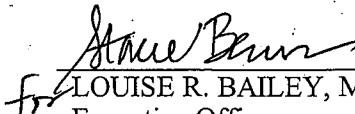
17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 789649, issued to Melissa
20 Jane Sheldon aka Melissa Jane Crow Sheldon aka Melissa J. C. Sheldon;

21 2. Ordering Melissa Jane Sheldon aka Melissa Jane Crow Sheldon aka Melissa J. C.
22 Sheldon to pay the Board of Registered Nursing the reasonable costs of the investigation and
23 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: OCTOBER 12, 2012

26 *fr* 
27 LOUISE R. BAILEY, M.ED., RN
28 Executive Officer
Board of Registered Nursing
Department of Consumer Affairs / State of California
Complainant

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